

Serial No. 10/648,152
Docket No. CL2123 US NA

REMARKS/ARGUMENTS

Status of the Application

In the Non-Final Office Action mailed September, 2006, claims 1, 5, 7-8, and 10 were rejected, claim 2 was objected to, and claims 6, 9, and 11 were withdrawn from consideration. In the present response, the subject matter of claim 7 was amended into claim 5, and claim 7 was canceled. Claims 1 and 5 were amended to clarify that the part (c) nucleic acid is fully complementary with either the nucleic acid of part (a) or part (b) (see page 15, lines 13-20 for support), and claim 1 was further amended to clarify that the nucleic acid encodes an amino acid sequence having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity. Thus, claims 1-2, 5, 8, and 10 are pending. No new matter was added.

Restriction Requirement

Based on the fact that claims directed to the elected species, SEQ ID NO:5, and its corresponding amino acid sequence, SEQ ID NO:6, are free of the prior art, Applicants respectfully request search and examination of claims 1-2, 5, 8, and 10 as they related to non-elected sequences, that is, SEQ ID NOs: 1-4, 16-17, 24-25, and 30-31. Given the limited number of sequences at issue, such a search should not impose a serious burden on the Examiner.

Specification

Applicants have amended the title of the application to read "Alpha(1,6)-Linked Glucose Oligosaccharide Hydrolyzing Enzyme Polynucleotides and Polypeptides and Methods of Use Thereof". Support for the title change can be found throughout the specification.

Rejections Under 35 U.S.C. § 112, 1st Paragraph

Claim 5 was rejected under 35 U.S.C. § 112, 1st Paragraph, as failing to comply with the written description requirement. Applicants respectfully submit that the present amendment to claim 5 obviates this rejection.

Claims 1, 5, 7-8, and 10 were rejected under 35 U.S.C. § 112, 1st Paragraph, because the specification, while being enabling for a nucleic acid molecule of SEQ

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ID NO:5 encoding a polypeptide having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity of SEQ ID NO:6 from *Bifidobacterium breve*, does not reasonably provide enablement for any nucleic acid molecule encoding any polypeptide having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity or any nucleic acid molecule hybridizing any complementary region of SEQ ID NO:5 under recited hybridizing conditions having no glucose oligosaccharide hydrolyzing activity. Applicants respectfully submit that the present amendments to claims 1 and 5 obviate these rejections.

Rejections Under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by EP 1 227 152. Applicants respectfully submit that the present amendment to claim 1 obviates this rejection.

Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by van den Broek *et al.* (GenBank Accession No. AF358444). Applicants respectfully submit that the present amendment to claim 5 obviates this rejection.

SUMMARY

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact either of Applicants' representatives at the telephone numbers listed below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

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